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be profitably used. What is the income of ten millions of dollars — the price of a single battleship, and that one of the older vessels — compared with the hundreds of millions which are every year being spent by our government alone on preparations for war! A similar fund of ten millions for peace work ought to be established in at least seven other countries, — Great Britain, France, Germany, Italy, Austria-Hungary, Russia and Japan, — and smaller ones in a score of other countries. It would certainly be a most wise disposition of further millions if Mr. Carnegie in the final disposition of his great fortune should see fit to create similar funds in these other countries where the peace propagandists, though earnest and courageous, and already measurably successful, are seriously handicapped for lack of means.

Mr. Carnegie has, wisely we think, not given instructions to the trustees of the fund as to how the income shall be expended, but left it entirely to their judgment. He has prescribed only that it shall be made as effective as possible toward the abolition of war, "the foulest blot upon our civilization." The trustees will doubtless find a most fruitful field, ready to their hands, for the expenditure of at least half the income in supporting and strengthening the various active peace organizations already in existence. These societies have long been engaged, under great limitations as to means, in the work of educating public opinion and urging upon the governments of the world the creation of the international institutions on which alone permanent peace can rest. They have, most of them, large unfulfilled plans before them. The results of their efforts have been large, and they richly deserve recognition at the hands of the directors of the Carnegie Fund. Beyond this the trustees will find many openings for new and special work from time to time which, with the cost of administration, will easily exhaust the remainder of the income.

On another page will be found the names of the twenty-seven trustees and Mr. Carnegie's statement of the terms and conditions under which the trust was committed to them.

The Washington Conference on the Judicial Settlement of International Disputes.

The Conference held at Washington December 15 to 17, by the American Society for the Judicial Settlement of International Disputes, was a notable event. It did not, it is true, begin to equal in size the great national peace congresses held in 1907 and 1909. But it brought together a larger number of men of the legal profession than any gathering in the interests of peace has ever before done, not excepting the Washington Arbitration Conferences of 1896 and 1904; in which so many eminent men took part. This was in part due to the great prog-

ress which the peace movement has recently made, but more especially to the fact that the subject on the program, that of an international court of justice, was one that peculiarly appealed to lawyers.

The meetings of the Conference were held in the assembly room of the New Willard Hotel, with the exception of the one on Friday evening, which met in the grand hall of the new Pan-American Union building, and was followed by a supper and reception. This session was presided over by Hon. Oscar S. Straus, Ambassador to Turkey, just home from Constantinople, and was in every way a notable gathering. The other sessions were presided over by Justice Baldwin of Connecticut and by Dr. James Brown Scott and Theodore Marburg, president and secretary of the society to whose initiative and tireless personal efforts the Conference and its success were in such large measure due. Hon. Stewart L. Woodford, ex-Minister to Spain, presided at the banquet on the closing evening, at which President Taft spoke and effectually squelched the latest war scare, which had been started by a confidential report sent by the Secretary of War to Congress.

The papers and discussions were nearly all devoted to expounding the necessity of a regular international court of arbitral justice and its superiority to other means of adjusting controversies between nations. The addresses were in general very able and illuminating, though the restriction of the program to the one topic made the covering of much the same ground by different speakers inevitable.

A disposition was manifested on the part of several speakers, we were sorry to see, not simply to show the superiority of strictly judicial methods of settlement, but even to underestimate, if not actually to belittle, arbitration, notwithstanding its long and successful history of a hundred years. Ex-President Eliot went so far even as to declare that arbitration is a failure. With this matter we have dealt more fully in a separate editorial.

The personnel of the Conference was unusual. Among the prominent men who took part in the proceedings were President William H. Taft; ex-Secretary of State John W. Foster; Senator Elihu Root, former Secretary of State; Joseph H. Choate, former Ambassador to Great Britain; Hon. Oscar S. Straus, Ambassador to Turkey; Stewart L. Woodford, former Minister to Spain; ex-Chief Justice Simeon E. Baldwin of Connecticut; Justice Henry B. Brown of the United States Supreme Court (retired); Andrew Carnegie; Edwin Ginn; ex-President Charles W. Eliot of Harvard; President David Starr Jordan of Leland Stanford; Hon. Richard Bartholdt, president of the Interparliamentary Group in Congress; ex-Governor Andrew J. Montague of Virginia; Rear-Admiral Stockton, president of George Washington University; Hon.

Francis B. Loomis, former Acting-Secretary of State; President H. P. Judson of Chicago University; President Benjamin Ide Wheeler of the University of California; Dean Gregory of the Iowa State University Law School; Hon. Jackson H. Ralston, agent of the United States in the Pious Fund Arbitration; Hon. Henry B. F. Macfarland, former chairman of the District of Columbia Governing Commission.

Among the members of the Conference not on the program were Hon. Andrew D. White, ex-Ambassador to Germany; Hon. David J. Foster, chairman of the House Committee on Foreign Affairs; and many prominent educators, publicists, pacifists and lawyers from different parts of the country. All the peace organizations in the East and some others were well represented among the membership of the Conference.

Prominent men from other countries also added interest and weight to the exercises, and gave a decidedly international cast to the meeting. Those who took part in the program were the Mexican Ambassador, Justice William R. Riddell of the High Court of Justice of Ontario, the Minister of The Netherlands, Francis W. Hirst, editor of the London *Economist*, and the French Ambassador. In addition to these there were in attendance at some of the sessions a number of representatives from the different foreign legations. Among these was the Chilean Minister, who attended the banquet on Saturday night, and was, to the great regret of all, stricken with heart trouble a few hours later and died suddenly.

It is impossible to give any just estimate of the amount of influence which the Conference will have upon the general public and upon our own and other governments; but it will certainly be large. Though the composition of the gathering and the nature of the exercises were not such as to appeal strongly to the masses of the people, yet they were unusually fitted to awaken and fix the attention of men of the legal profession everywhere, and of legislators and government officials both national and state. In this direction the Conference ought to prove one of the most effective that has ever been held.

The establishment of a permanent international high court of justice, with judges always in service and acting under a sense of judicial responsibility, may take more time than the founders of the society which held this Conference imagine. But it is sure to be done in time, and the day we believe is comparatively near whether the present efforts of our Department of State succeed immediately or not. Such a high court of the nations has been the ideal of the peace workers and societies from the very beginning, and they have been steadily for nearly a hundred years laying in general public opinion the foundations of the judicial tribunal of the world. The fruit of their labors is now rapidly appear-

ing. Such a conference as that of which we are writing could not have been successfully held a few years ago. The fact that it has been held, with such conspicuous success, in the capital of the nation, and with the co-operation and hearty support of the national authorities themselves, is an unmistakable sign of the rapid culmination of the movement which is substituting goodwill and law for hate and force in the relations of the nations.

Is Arbitration a Failure?

At the Washington Conference held December 15 to 17, by the Society for the Judicial Settlement of International Disputes, there was a disposition on the part of some of the speakers to underestimate the value of arbitration as a method of adjusting controversies between nations. Ex-President Eliot of Harvard went so far as to characterize arbitration as a failure. This depreciation was, of course, intended to make the demand for an international court of arbitral justice seem the stronger. But the comparison was, it seems to us, a most unfortunate one.

Everybody concedes that a regular court of justice is, in the abstract, superior to arbitration. But this does not necessarily involve depreciation of the latter nor the conclusion that its mission is already ended.

Those who are familiar with the history of international arbitration during the past century, and even right up to the current year, know that it has not only not been a failure, but that it has been a conspicuous and continuous success. More than two hundred and fifty important controversies have been disposed of by this means, and in every one of them the award has been loyally accepted. In only a few cases has there been serious criticism of the decision of the arbitrators, relatively much less criticism, in fact, than is continually heard of the decisions of the ordinary courts of justice. Ideal justice has, of course, not always been secured by arbitration, but probably all the justice that was possible in the circumstances has been secured. Furthermore, something even more valuable, if possible, than simple justice has been secured by these arbitrations: the nations have been brought nearer together by them, and induced to respect and trust one another better; in a word, to bear that attitude toward one another without which real justice can never prevail.

The success of arbitration has continued in an even greater degree since the setting up of the International Arbitration Court at The Hague. It would be very difficult for any regular court of justice, however perfectly constituted, to get nearer to the roots of justice than did the arbitration court which sat upon the Newfoundland fisheries case the past summer.

It is said in derogation of arbitration that it often results only in compromise. But that may well have